Office-Supreme Court, U.S.
FILED
JUN 15 1983
ALEXANDER L. STEVAS,

No. 82-1756

In The

Supreme Court of the United States

October Term, 1982

ODRIC BAKER, PETER G. LARSON, GORDON C. THAYER, FRANK THAYER, RICK ST. GERMAINE, BRUCE TAYLOR, and JAMES H. SCHLENDER, individually and as members of the Lac Courte Oreilles Tribal Governing Board,

Petitioners,

vs.

STATE OF WISCONSIN,

Respondent.

PETITIONER'S SUPPLEMENTAL REPLY BRIEF

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PETITIONER'S SUPPLEMENTAL BRIEF

INTERVENING CASE

On June 13, 1983, this Court rendered its decision in New Mexico et al. v. Mescalero Apache Tribe, No. 82-331, holding that the Mescalero Apache Tribe has exclusive jurisdiction to regulate hunting and fishing by non-Indians within the Tribe's Reservation. The Court distinguished Montana v. United States, 450 U.S. 544

(1981) on the grounds that that case involved lands located within the Reservation, but not owned by the Tribe or its members, while Mescalero involved lands held in trust for the Tribe (Slip opinion 6-7).

The present case involves, among others, the issues of whether the provisions of a treaty include cerain navigable waters within the Tribe's reservation and whether, by virtue of the same treaty, the Tribe possesses Mescalero-type rights in those navigable waters though not owning the beds of the navigable waters. Those issues are resolved by neither Montana (see Petition For Writ of Certiorari herein), nor Mescalero.

CONCLUSION

This Court should grant certiorari to review the Seventh Circuit opinion and resolve the questions left open by Montana and Mescalero.

Respectfully submitted,

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